

Remarks

Claims 18-28 are pending.

Claims 18-28 stand rejected under 35 USC §103.

Claim 18 has been amended to broaden the “pullulan” limitation to include water soluble polymers generally and to incorporate the “electrolyte” limitation. Support for the amendment can be found in the claims as originally filed as well as at page 26, lines 2-12 of the specification.

Before considering the Examiner's rejection under 35 USC § 103 in detail, Applicants wish to briefly summarize the key aspects of the present invention.

The present invention, as amended, relates physiologically compatible, stand alone film compositions comprising at least two essential oils selected from the group consisting of thymol, methyl salicylate, eucalyptol, and menthol which are formed by mixing water soluble polymer containing film-forming mixtures and electrolyte containing aqueous solutions of water-soluble ingredients to reduce or eliminate the need for external heat in mixing.

Rejection under 35 USC § 103

The Examiner has rejected Claims 18-28 under 35 USC §103 as being unpatentable over US 4,562,020 to Hijiya et al. (Hijiya) in view of either WO98/11867 to Nair et al. (Nair) or US 5,948,430 to Zerby et al. (Zerby) either alone or in combination.

Hijiya discloses a continuous process for producing a self-supporting, water-soluble, glucan film. Moreover, Hijiya further discloses the use of menthol as a cosmetic active. Hijiya, however, nowhere discloses or even suggests mixing water soluble polymers (i.e., pullulan) in an electrolyte containing aqueous solution to eliminate the need for external heating during the mixing process.

Zerbe relates to compositions containing therapeutic agents and/or breath freshening agents for use in the oral cavity comprising a water-soluble carrier, a cosmetic or pharmaceutical ingredient, a flavor and at least one of a polyalcohol, a surfactant and a plasticizer. Importantly, in each of the cited examples, Zerbe nowhere mentions the use of electrolytes or electrolyte containing non-polymer ingredients.

Nair relates to oral compositions including zinc and coolant selected from the group consisting of monomethyl succinate, its alkali metal salt, its alkaline earth metal salts and mixtures thereof, for providing extended breath freshening without the poor taste and astringency associated with zinc

containing compositions. Nair further discloses the optional use of Listerine® brand mouthwash ingredients, namely thymol, menthol, eucalyptol and methyl salicylate. Nowhere, however, does Nair teach or suggest methods or processes for preparing self-supporting film compositions.

Therefore, since neither Hijiya, Zerbe nor Nair teach or suggest forming film compositions by combining film forming polymers with electrolyte containing aqueous solutions to form the film compositions of the present invention, as amended, the present invention would not have been obvious over this references either singly or in combination.

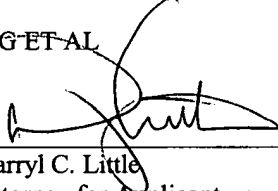
Conclusion

Therefore, in light of the amendments and remarks made herein, it is respectfully submitted that the rejections under 35 USC § 103 have been overcome. Applicants respectfully submit that they have distinguished the cited art sufficiently to avoid the Examiner's rejection. Accordingly, reconsideration and allowance of Claims 18-28 are earnestly solicited.

Respectfully submitted,

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